

REMARKS

This paper is filed in response to the Office Action mailed November 28, 2005.

Claims 46-84 are currently pending in the present application. The Office Action rejected claims 46-84 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Office Action rejected claims 46-84 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Office Action rejected claims 46-84 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,166,732 to Mitchell et al (hereinafter referred to as "Mitchell") in view of U.S. Patent No. 5,764,916 to Busey et al (hereinafter referred to as "Busey").

Applicant has amended claim 62 to correct a typographical error.

Reconsideration of the claims is respectfully requested in light of the remarks below.

Claims 46-84 – § 112, second paragraph

The rejection of claims 46-84 under 35 U.S.C. § 112, second paragraph, is respectfully traversed.

The Office Action states that "[i]t was unclear how the information associated to a waveform." Respectfully, "user-specified force information associated with a waveform," as recited in independent claim 46, as well as similar language in independent claims 56, 62, 68 and 76, is defined within the specification. For example, the specification on page 15, line 53 through page 16, line 3 recites that haptic effects that are included as a standard installation for a chat interface maybe associated with force information in the form of high level commands:

"For example, the force information can be sent as a high level command that indicates a standardized type of haptic sensation to output, where it is assumed that the recipient users all have a standardized library of haptic sensations available on their computer systems which the high level command can reference."

As further disclosed in the specification on Page 8 Lines 1-3, and as would be apparent to one of ordinary skill in the art, haptic effects are generated by sending signals to an actuator. An inherent property of a signal is a waveform. Hence the force information is associated with a waveform.

In another example, the specification on page 16, lines 3-8 recites associating custom-made haptic effects that may be associated with force information:

“in some embodiments, additional information can be sent, such as one or more command parameters that characterized the commanded haptic sensation, e.g., time duration of the sensation, frequency, magnitude, direction, button parameters, rise time and decay time, simulated mass or position, etc.”

The command parameters recited above relate to characteristics of waveforms. And as pointed out above, haptic effects are generated by signals, which have the inherent quality of having a waveform. Hence the force information is associated with a waveform.

For at least these reasons, the specification defines “user-specified force information associated with a waveform” and, therefore, claims 46-84 satisfy the requirements of 35 U.S.C. § 112, second paragraph.

Applicant respectfully requests the Examiner withdraw the rejection of claims 46-84.

Claims 46-84 – § 101

The rejection of claims 46-84 under 35 U.S.C. § 101 as being directed to non-statutory subject matter for failing to restrict the claimed invention to tangible media is respectfully traversed.

Respectfully, claims 46-84 are directed to statutory subject matter. Patentable subject matter includes “anything under the sun that is made by man.” Diamond v. Chakrabarty, 447 U.S. 303, 309 (1980). Further, an invention need not be reduced to tangible media to be directed towards statutory subject matter. See Ex Parte Lundgren, BPAI, April 20, 2004 (holding that the “technological arts” test is not judicially recognized and may not be used to reject process claims). Specifically, the BPAI notes

that processes are statutory unless they are directed to “laws of nature, physical phenomena [or] abstract ideas.” Lundgren, page 6. Respectfully, claims 46-84 are not directed to laws of nature, physical phenomena or abstract ideas, therefore, claims 46-84 claim statutory subject matter and satisfy the requirements of 35 U.S.C. § 101.

Applicant respectfully requests the Examiner withdraw the rejection of claims 46-84.

Claims 46-55, 62-67 and 73-84 – § 103(a)

The rejection of claims 46-84 under 35 U.S.C. § 103(a) as unpatentable over Mitchell in view of Busey is respectfully traversed.

To sustain a rejection of a claim under 35 U.S.C. § 103(a), the combination of references must teach or suggest each and every element of the claim. *See* M.P.E.P. § 2142.

Because the combination of Mitchell and Busey does not teach or suggest “the user-specified force information configured to cause a haptic sensation to be output when the chat message is delivered to a client machine” as recited in claim 46, claim 46 is patentable over the combined references. As stated in the Office Action, Mitchell does not teach or suggest “the user-specified force information configured to cause a haptic sensation to be output when the chat message is delivered to a client machine.” *See* Office Action, Page 3. Further, Busey discloses a method for real-time communications over a network. Busey does not teach any sort of force information, and, therefore, does not teach “the user-specified force information configured to cause a haptic sensation to be output when the chat message is delivered to a client machine.”

Finally, the Office Action takes official notice that embedding information within a document is well-known in the art and cites a reference authored by Hansen. The Hansen reference discusses the details of a particular programming language, however, the Hansen reference makes no mention of force information or haptic sensations. Therefore, none of the references cited by the examiner teach or suggest “the user-specified force information configured to cause a haptic sensation to be output when the

chat message is delivered to a client machine.” As such, claim 46 is patentable over the combined references.

As pointed out in the Office Action, claims 56, 62, 68 and 76 contain similar limitations as claim 46, and the Office Action rejected claims 56, 62, 68 and 76 for the same reasons as claim 46. For the same reason the combined references failed to teach or suggest each and every element of claim 46, the references fail to teach or suggest each and every element of claims 56, 62, 68 and 76. Therefore claims 56, 62, 68 and 76 are patentable over the combined references for at least the same reason as claim 46.

Applicant respectfully requests the Examiner withdraw the rejection of claims 46, 56, 62, 68 and 76. Claims 47-55, 73-75 and 77-84 depend from and further limit claim 46. Therefore claims 47-55, 73-75 and 77-84 are patentable over the combined references for at least the same reason as claim 46. Claims 57-61 depend from and further limit claim 56. Therefore, claims 57-61 are patentable over the combined references for at least the same reason as claim 56. Further, claims 63-67 depend from and further limit claim 62. Therefore, claims 63-67 are patentable over the combined references for at least the same reason as claim 62. Thus, Applicant respectfully requests the Examiner withdraw the rejections to claims 47-55, 63-67, 73-75 and 77-84. Further, claims 69-72 depend from and further limit claim 68. Therefore, claims 69-72 are patentable over the combined references for at least the same reason as claim 68. Therefore, Applicant respectfully requests the Examiner withdraw the rejections of claims 47-55, 57-61, 63-67, 69-72 and 77-84.

CONCLUSION

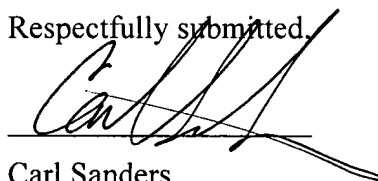
Applicant respectfully asserts that in view of the amendments and remarks above, all pending claims are allowable and Applicant respectfully requests the allowance of all claims.

Should the Examiner have any comments, questions, or suggestions of a nature necessary to expedite the prosecution of the application, or to place the case in condition for allowance, the Examiner is courteously requested to telephone the undersigned at the number listed below.

Date:

2/28/2006

Respectfully submitted,



Carl Sanders

Reg. No. 57,203

KILPATRICK STOCKTON LLP
1001 West Fourth Street
Winston-Salem, NC 27101
(336) 607-7474 (voice)
(336) 734-2629 (fax)